

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,) CASE NO.: 1:19CR35
)
Plaintiff,) JUDGE SOLOMON OLIVER, JR.
)
v.)
)
DEMETRIUS N. PITTS,) <u>MOTION TO EXCLUDE TIME AND FOR</u>
) <u>ENDS OF JUSTICE FINDING</u>
Defendant.)

Now comes the United States of America, by and through its counsel, Justin E. Herdman, United States Attorney, and Michelle M. Baeppler, Assistant United States Attorney, and moves this Court for an Order tolling time from February 21, 2019, up to at least March 6, 2019, and an ends of justice finding pursuant to 18 U.S.C. § 3661(h)(1)(D). The reasons for this motion are set forth in the memorandum attached hereto.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

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MEMORANDUM

On February 11, 2019, a change of plea hearing was scheduled for defendant.

Defendant did not enter a plea on this date.

On February 12, 2019, a Superseding Indictment was returned against defendant charging him with multiple criminal violations.

On February 21, 2019, this Court entered an Order setting a status conference based upon a letter defendant forwarded to the Court requesting change of counsel. The status conference was set by the Court for March 6, 2019. The letter sent to the Court by defendant was treated by the court as a pretrial motion and set for hearing. To that extent, defendant's letter to the Court should be treated as a period of delay that is excludable under the speedy trial act pursuant to 18 U.S.C. § 3661(h)(1)(D).

WHEREFORE, the government moves this Court to exclude time from February 21, 2019, up to at least March 6, 2019, or such date as defendant's request for new counsel is resolved. Additionally, the government requests that the Court make an ends of justice finding with respect to this delay. A proposed Order is attached.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February 2019 a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Michelle M. Baeppler
Michelle M. Baeppler
Assistant U.S. Attorney